

In re Patent Application of:

ALHADDAD ET AL

Serial No. **09/990,871**

Filed: **11/16/2001**

REMARKS

Claims 21-49 are currently pending.

Reconsideration of this application in light of the foregoing amendments and following remarks is respectfully requested.

The rejection of claims 21, 33 and 45, under the second paragraph of 35 U.S.C. 112, is believed to have been obviated by changing the phrase "such as" to the term "including". Withdrawal of the rejection, is, accordingly, earnestly solicited.

The rejection of claims 21-49, under the provisions of 35 U.S.C. 102, as being anticipated by the patent to Rogers et al is respectfully traversed for the reasons set forth in the remarks accompanying applicants' amendment filed May 30, 2006. Applicants respectfully maintain that the cited patent to Roger et al does not provide evidence in support for the rejection and intends to appeal the rejection to the Board of Appeals.

Likewise, the rejection of claims 21-26, 33-38 and 45-47, under the provisions of 35 U.S.C. 102, as allegedly being anticipated by the patent to Garcia, is respectfully traversed.

Applicants have carefully reviewed the patent to Garcia but have been unable to find disclosure or suggestion of the invention as defined in the rejected claims. As in the rejection relying upon the patent to Rogers et al, applicants consider the definition of the invention in the rejected claims to be neither taught nor suggested by the cited prior art. As such, applicants intend to appeal the rejection to the Board of Appeals.

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In order that both applicants and the Board of Appeals will have a clear understanding of the rejection of claims 21-26, 33-38 and 45-47 based on Garcia, clarification of a point of confusion raised by the statement of the rejection in item 8 on pages 7-10 of the office action would be appreciated. Specifically, beginning in the middle paragraph of page 9 and proceeding through page 10, reference is repeatedly made to "Rogers". If the patent to Garcia is intended, a specific indication of the same would be appreciated in a further Patent Office communication.

Applicants currently await a further office action, indicating that the rejection under 35 U.S.C. 112, second paragraph, has been withdrawn, in light of the foregoing amendments to claims 21, 33 and 45, so that the issues before the Board of Appeals may be consolidated to those of the rejections of the claims over the cited patents to Rogers et al and Garcia.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,

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